

**Danby Town Board  
Minutes of Regular Meeting  
July 16, 2012**

**Present:**

Supervisor: Ric Dietrich  
Councilpersons: Leslie Connors, Kathy Halton, Dan Klein

**Absent:**

Councilperson: Dylan Race

**Others Present:**

Town Clerk Pamela Goddard  
Code Office Sue Beeners  
Bookkeeper Laura Shawley  
Highway Sup. Carl Seamon  
Public Robert Roe, Elizabeth Owens Roe, George "Skip" Fairchild, William Fish, Sandra Fish, Anne Klingensmith, Randy Ingell, James Reagan, Ronda Roaring

**The Meeting of the Danby Town Board was opened at 7:00pm.**

**Privilege of the Floor**

Kathy Halton expressed gratitude for all the volunteers who helped out with Danby Fun Day. The Town Board acknowledges all the work which goes into putting this event on.

Roaring raised a question and concern about the management and funding of Danby Fun Day and whether it was appropriate for funding to go to the Fire District and/or to an individual. She questioned which branch of government, the Town of Danby or the Danby Fire District, was responsible for the \$800 grant through the County Tourism program? She thought that it was inappropriate for a governmental entity donating money for a select individual's needs. Her question was, "Who is running Danby Fun Day? A group of volunteers or a governmental entity?" Beeners responded to her concern, stating that the grant money is managed by a governmental agency for disbursement. There was no further discussion of this topic.

Liz Roe raised concern about dog license renewals being sent to owners whose dogs had died. Clerk Goddard explained that the process of cleaning up the dog license database has been underway for the past two years.

**Short Road Request**

Beeners introduced a request from residents of Short Road, asking the Town Board to make a determination that the entire length of Short Road, located in West Danby, is a year-round road. The road is classified as a seasonal road but is currently maintained year-round by the Danby Highway Department. The residents would like this inconsistency resolved.

The Town Board and Highway Superintendent had a preliminary discussion regarding this issue. The Board wanted to hear a recommendation from the Highway Department before any determination. Seamon stated that he had no problem with going ahead with a formal change in the classification. He needs to review the legal process with other Town staff.

Beeners reported on the process set out in Local Law #2 of 2002. The Highway Superintendent has a number of road classifications available. She recommended that Seamon provide a letter, for the August meeting, stating his finding that this road has been used year-round for well over ten years, and that the Town Board acknowledge his determination that this should be a year-round road.

Dietrich reported that a letter has been requested from the Fire Department, stating any concerns they may have for emergency access on that road.

The Board anticipates acting on this matter during its August TB meetings.

### **Planning Board Recommendation Regarding Hamlet Zoning**

There was a lengthy discussion between members of the Town and Planning Boards about possible rezoning in the Hamlet area to allow multi-use dwellings. Dietrich expressed his view that there are other projects which might take priority over this recommendation. He suggested that the Planning Board review the list of other, more pressing issues, that they might work on.

Halton asked whether there was a particular issue or request that motivated this recommendation? Roe responded that this recommendation was in response to a previous Town Board request that the Planning Board develop planning for the Hamlet. Surveys and workshops during Hamlet planning sessions some years ago indicate that some sorts of services are desired by the residents.

Professional studies show that there is neither traffic flow or density to support standalone enterprises. Roe characterized this as the only feasible way to bring public services into the Hamlet area. Roe stated that any action on this zoning change would have to come from individual entrepreneurs, opening Danby up to opportunity. This opportunity would not be governmentally driven but would be dependent on specific need. No particular requests have been made at this time.

Klingensmith added that this recommendation was the result of extended discussions and presentations to the Planning Board, including the County Health Department and County Planning. There are several constraints to other possible zoning changes that might enable a hamlet. In the view of the Planning Board, this recommendation seemed like a positive change which could be made to enable enhanced home occupation development. She thought that this organic process was a step in the right direction.

Connors reported that she saw this as part of a larger 5-10 year plan for the hamlet area. She voiced support for the Planning Board request for direction prior to the PB drafting a detailed plan.

There was a lengthy discussion of the advisability of setting the zone as a, "15 minute walking distance from the Town Hall." Klein repeated his concern about changing a residential area into one zoned for commercial activity. He stated his support for allowing multi-use development in areas currently zoned commercial. Klein objected to extending that designation to a "15 minute walk" from Town Hall, potentially up Bald Hill Road as far as Lieb Road and a significant distance up Gunderman and Hornbrook Roads.

Beeners recommended that the Planning Board review models of contemporary zoning ordinances that address home occupations and home businesses which could be located in any zone. She further suggested that the PB review contemporary commercial zoning ordinances on the grounds that Danby's commercial zoning does not meet contemporary needs. Useful models might be found in Ulysses, Dryden, and Freeville zoning ordinances.

Halton expressed provisional support for the PB recommendation. Dietrich stated that he is not opposed to the concept, but this is not his top priority. Connors said that this recommended zoning change seems to match proposed changes in zoning found in the Danby Comprehensive Plan. Klein stated that the recommendation is a big change and he could not support the proposal.

### **RESOLUTION NO. 78 OF 2012 - PLANNING BOARD DIRECTIVE**

**RESOLVED**, that the Town Board of the Town of Danby charges the Planning Board with researching the options available to the Town of Danby for amending zoning to better match community objectives to encourage low-impact home-based businesses and small scale community services as described in the Comprehensive Plan, such as allowing multi-use development or increased density in specific areas, and bring such findings to the Town Board for consideration.

**Moved by Connors, Second by Dietrich. The motion passed.**

**In Favor: Connors, Halton, Dietrich**

**Opposed: Klein**

## **Draft Local Law Amending Building Permit Renewal Procedure**

Beeners introduced a draft amendment correcting and clarifying the Town's local law related to building permit renewals. She requested that the board review the draft and consider sending the amendment to the Town Attorney for review. The Board will continue discussion about this during its next meeting.

### **RESOLUTION NO. 79 OF 2012 - PROPOSED AMENDMENT TO LL 1 OF 2007 - RELATED TO BUILDING PERMIT RENEWALS**

**RESOLVED**, that the Town Board of the Town of Danby authorizes the Town Attorney to review a "Local Law Amending Local Law #1 of 2007, Related to Formatting, Building Permit Renewals, and Various Clarifications" for consideration and possible adoption.

**Moved by Klein, Second by Dietrich. The motion passed.  
In Favor: Connors, Halton, Klein, Dietrich**

## **West Danby Water District Improvement Project Update**

Code Officer Beeners gave an update on the progress with grant applications for the West Danby Water District Improvement Project. The application to the Community Block Grant Program was completed and submitted. The income survey was completed in record time with a 89% response. Results clearly show that the District qualifies as low to moderate income as required. Notification will be in September. A rural development loan pre-application has also been drafted in case the grant application is denied.

Beeners noted that the income survey is good for two years, and could be used for an additional Block Grant project. Beeners suggested that a "Housing Reinvestment Grant" might be appropriate. She is researching this grant so that the Town Board will have information in time for budget planning this Fall.

Dietrich commended the Water District and Town Hall staff for the work they did on this project.

## **Building Maintenance Update**

Code Officer Beeners gave an update on the building repairs to the north side of Town Hall. All appropriate treatments have been made to repair damaged wood. The insulation project in the attic and crawl space will be started soon. The south side of the building will be painted later this summer.

## **Broadband Update**

Dietrich gave a short update on the broadband discussions with the County. The County build-out may be expensive. Some municipalities are considering "going on their own" for the same amount of money. Dietrich thinks that public hearings or community discussions on this topic would be beneficial.

## **Water Monitoring**

Anne Klingensmith presented a project she will undertake as a citizen volunteer. She has taken preliminary training through the Community Science Institute. This organization has been monitoring water sources in the Cayuga Lake basin and has organized volunteer "red flag" monitors. She believes that their data collection has solid scientific integrity and that information generated from this monitoring protocol would stand up in court.

Three sites in Danby have been identified for monitoring; two potential sites on Danby Creek and one in Michigan Hollow. Jennings Pond and a site on Station Road are currently being monitored by a Community Science Institute team. Klingensmith intends to monitor between two and four sites in Danby. The simple test monitors temperature, pH, dissolved oxygen, conductivity, and total hardness.

There may be some baseline testing that would justify Town financial support. The Community Science Institute recommends that as many sites as a possible be subject to a more comprehensive test

through a professional water lab at least once a year. The more comprehensive test monitors, in addition to the five tests in the simple test, alkalinity, turbidity, total suspended solids, total dissolved solids, chloride sulfate, chemical oxygen demand, calcium, barium, strontium, and gross alpha and beta radioactivity. This would cost in the range of \$350 per site test. Klingensmith advocated for this test on at least two sites in Danby, as a good investment for the future.

Halton supported this testing in light of the truck traffic which is likely to pass through Danby carrying drilling waste water. Dietrich also supported the concept of baseline water testing and monitoring. This data might dovetail with data from the Danby Aquifer study. This information will be included budget considerations.

### **Oasis Neighbor Complaint**

The TB continued its discussion regarding code violations at the Oasis Dance Club with Ingell and Reagan. Dietrich informed the residents that a legal recommendation is still pending in this matter. Beeners said that a violations notice still needs to go out to the owners regarding the placement of the dumpster. This notice will be served “forthwith.”

There was a related discussion about research into a Noise Ordinance that might help mitigate some of the problems Ingell and Reagan are experiencing. There was clarification that Ingell would like to assist with research into a suitable ordinance for Danby addressing commercial and industrial noise. Dietrich will put Ingell in touch with others who are working on this, including members of the Gas Drilling Task Force. The TB would like to have a meeting with Sheriff Lansing regarding which noise ordinances are most enforceable. A presentation will be scheduled for one of the August TB meetings.

### **Enforcement of Fireworks**

Dietrich requested that questions be directed to Sheriff Lansing regarding the enforcement of illegal fireworks displays. There seems to be some confusion on the part of law enforcement.

Danby has not passed a local law regarding fireworks. Therefore, private displays of fireworks are illegal in the Town. Dietrich will write an article on this issue for the Danby Area News. This matter is especially critical this year due to drought and fire danger. A statewide “burn ban” is in effect through the end of August.

### **Agreement to Spend Highway Funds**

Seamon and Shawley presented an amendment to the agreement to spend highway funds. They answered questions about the projects planned and which fund lines will finance specific projects. The Gunderman Road project is to maintain repairs that were made a few years ago. The Fisher Settlement Road project is part of a long-term project to extend the improved area one half mile each year.

#### **RESOLUTION NO. 80 OF 2012 - AMENDMENT TO AGREEMENT TO SPEND HIGHWAY FUNDS - 2012**

**RESOLVED**, Pursuant to the provisions of Section 284 of the Highway Law, that the Town Board of the Town of Danby agree that moneys levied and collected for the repair and improvement of highways shall be expended as follows:

##### **General Repairs**

1. A sum not to exceed \$55,000 shall be spent to resurface East Miller Road from 96B to Troy Road. This amount will be paid out of the 2012 CHIPS capital balance and not out of the Road Repair line as previously stated.
2. A sum not to exceed \$10,000 shall be spent to surface treat Sylvan Lane. This road will be double surface treated with oil and stone. This amount shall be paid out of the Road Repair line in the Town budget.
3. A sum not to exceed \$25,000 shall be spent to surface treat Gunderman Road from 96B to Comfort Road. This will be slurry sealed with sand and oil to maintain the previous construction efforts. This amount shall be paid out of the Road Repair line in the Town budget.

4. A sum not to exceed \$51,000 shall be spent on Fisher Settlement Road to extend one half mile beyond the current oil and stone segment. The road will be reconstructed and surface treated with oil and stone. This amount will be paid out of the 2012 CHIPS capital balance.

**Moved by Klein, Second by Connors. The motion passed.**

**In Favor: Connors, Halton, Klein, Dietrich**

### **Appoint Water Commissioner**

Seamon presented petition from the water commissioners for an appointment to replace John Finley following Finley's unexpected death in April. George "Skip" Fairchild lives in West Danby and is currently a volunteer with the West Danby Fire District.

There was a general discussion of the 2011 Town of Danby Appointment policy and how this may pertain to the appointment of Water Commissioners. A copy of the policy will be shared with the Commissioners. This will be reviewed in relation to the Water District Bylaws.

### **RESOLUTION NO. 81 OF 2012 - APPOINT WATER COMMISSIONER**

**RESOLVED**, that the Town Board of the Town of Danby appoints George "Skip" Fairchild as Water Commissioner to complete the term of John Finley (deceased) through December 31, 2014.

**Moved by Connors, Second by Halton. The motion passed.**

**In Favor: Connors, Halton, Klein, Dietrich**

### **Adjournment**

The Meeting was adjourned at 8:53pm.

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Pamela S. Goddard, Town Clerk